

**To:** CN=David Yogi/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Tim Vendlinski/OU=R9/O=USEPA/C=US  
**Sent:** Wed 9/5/2012 9:18:57 PM  
**Subject:** Re: Bay Delta Coverage: BDCP Ignores New EPA Bay-Delta Action Plan  
<http://bayplanningcoalition.org/2012/u-s-epa-releases-action-plan-for-bay-delta/>  
<http://www.bcwaternews.com/bcwn/California/CA082912.html>  
<http://www.water-technology.net/news/newsepa-plan-to-improve-water-quality-california-bay-delta/>  
<http://www.protectingthevalley.org/topstory.php?ax=v&n=99&id=99&nid=5332>  
[http://www.stormh2o.com/SW/Articles/EPA Releases\\_SF Bay Delta Action Plan 18581.aspx](http://www.stormh2o.com/SW/Articles/EPA_Releases_SF_Bay_Delta_Action_Plan_18581.aspx)  
[http://www.lloydgcarter.com/content/120828575\\_epa-releases-san-francisco-bay-delta-action-plan](http://www.lloydgcarter.com/content/120828575_epa-releases-san-francisco-bay-delta-action-plan)  
[http://switchboard.nrdc.org/blogs/bnelson/bdcp\\_ignores\\_new\\_epa\\_bay-delta.html](http://switchboard.nrdc.org/blogs/bnelson/bdcp_ignores_new_epa_bay-delta.html)  
[Action Plan for the Bay-Delta](#)  
[process of updating its standards for the Bay-Delta](#)  
[Board](#)  
[State of the Bay report](#)  
[discussion of Scenario 6](#)  
[Red Flag](#)  
[http://switchboard.nrdc.org/blogs/bnelson/bdcp\\_ignores\\_new\\_epa\\_bay-delta.html](http://switchboard.nrdc.org/blogs/bnelson/bdcp_ignores_new_epa_bay-delta.html)

Thanks!

**From:** David Yogi/DC/USEPA/US  
**To:** Karen Schwinn/R9/USEPA/US@EPA, "Tim Vendlinski" <vendlinski.tim@epa.gov>  
**Date:** 09/05/2012 01:49 PM  
**Subject:** Re: Bay Delta Coverage: BDCP Ignores New EPA Bay-Delta Action Plan

Additionally, I also found a few other media outlets had picked up the story as well, including Brown and Caldwell's water news blog:

Bay Planning Coalition: <http://bayplanningcoalition.org/2012/u-s-epa-releases-action-plan-for-bay-delta/>  
Brown and Caldwell Water News: <http://www.bcwaternews.com/bcwn/California/CA082912.html>  
WaterTechnology.net: <http://www.water-technology.net/news/newsepa-plan-to-improve-water-quality-california-bay-delta/>  
ProtectingtheValley.org: <http://www.protectingthevalley.org/topstory.php?ax=v&n=99&id=99&nid=5332>  
Stormwater Journal:  
[http://www.stormh2o.com/SW/Articles/EPA\\_Releases\\_SF\\_Bay\\_Delta\\_Action\\_Plan\\_18581.aspx](http://www.stormh2o.com/SW/Articles/EPA_Releases_SF_Bay_Delta_Action_Plan_18581.aspx)

- David

David Yogi  
Office of Public Affairs  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
Ph: (415) 972-3350  
Mobile: (415) 760-5419

yogi.david@epa.gov

From: David Yogi/DC/USEPA/US  
To: Karen Schwinn/R9/USEPA/US@EPA  
Cc: "Tim Vendlinski" <vendlinski.tim@epa.gov>  
Date: 09/05/2012 01:32 PM  
Subject: Re: Bay Delta Coverage: BDCP Ignores New EPA Bay-Delta Action Plan

He's not the only one blogging about you all - The Chronicles of the Hydraulic Brotherhood essentially posted our PR on its blog as well.

[http://www.lloydgcarter.com/content/120828575\\_epa-releases-san-francisco-bay-delta-action-plan](http://www.lloydgcarter.com/content/120828575_epa-releases-san-francisco-bay-delta-action-plan)

- David

David Yogi  
Office of Public Affairs  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
Ph: (415) 972-3350  
Mobile: (415) 760-5419  
yogi.david@epa.gov

From: Karen Schwinn/R9/USEPA/US  
To: David Yogi/DC/USEPA/US@EPA  
Cc: "Tim Vendlinski" <vendlinski.tim@epa.gov>  
Date: 09/05/2012 11:50 AM  
Subject: Re: Bay Delta Coverage: BDCP Ignores New EPA Bay-Delta Action Plan

Thanks. Barry sent us this yesterday. Its kinda cool to be blogged about ;)

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KAREN SCHWINN  
Associate Director  
Water Division  
U.S. EPA Region 9  
75 Hawthorne Street (Wtr-1)  
San Francisco, CA 94105  
415/972-3472  
415/297-5509 (mobile)  
415/947-3537 (fax)  
~~~~~

----- Original Message -----

From: David Yogi

Sent: 09/05/2012 11:46 AM PDT

To: Tim Vendlinski; Karen Schwinn

Subject: Bay Delta Coverage: BDCP Ignores New EPA Bay-Delta Action Plan

FYI

BDCP Ignores New EPA Bay-Delta Action Plan

By: Barry Nelson, NRDC Blog

September 4, 2012

[http://switchboard.nrdc.org/blogs/bnelson/bdcp\\_ignores\\_new\\_epa\\_bay-delta.html](http://switchboard.nrdc.org/blogs/bnelson/bdcp_ignores_new_epa_bay-delta.html)

Last week, two important and largely overlooked developments demonstrated clearly the ongoing struggle within BDCP to incorporate the best available science and to coordinate other major agency efforts focused on the future of the San Francisco Bay-Delta ecosystem.

The first development was EPA's release of its Action Plan for the Bay-Delta, which is designed to provide guidance to the Bay Delta Conservation Plan process and the State Water Resources Control Board as the Board begins the process of updating its standards for the Bay-Delta. EPA's report addresses many threats to this ecosystem. Most importantly, like previous analyses by the Board and last year's State of the Bay report, the EPA clearly concluded that the current level of diversions from California's largest river system is unsustainable. For example, EPA concluded that:

Despite much ongoing activity, CWA (Clean Water Act) programs are not adequately protecting Bay Delta Estuary aquatic resources, as evidenced by the pelagic organism decline. (Page 7)

EPA encourages the Water Boards to more fully and specifically identify impairments to Bay Delta Estuary water quality where a designated use is impaired or a narrative standard is violated. (Page 9)

Over the last decade, there has been much regulatory activity related to contaminant stressors, including pesticides, selenium, mercury, and ammonia. By contrast, the estuarine habitat water quality standard has not been updated for 17 years. Flow is a primary driver of physical habitat conditions, including turbidity, temperature, dissolved oxygen, and nutrient loading. In addition, the impacts of contaminant stressors are significantly altered by flow, as flows determine residence time, concentrations of contaminants, exposure duration and the salinity, temperature, and turbidity conditions that alter the chemistry and biological availability of contaminants. (Page 10)

EPA is concerned with the location and areal extent of the low salinity zone (LSZ), the area of the Estuary where sea water mixes with fresh river water creating important habitat. Many estuarine organisms show greater abundance or improved survival when the LSZ is located in the broad, complex shallows of Suisun Bay rather than in the less hospitable, rock-lined channels of the Western Delta. The location and operation of Delta diversions can significantly affect the location of the LSZ. This is of particular concern given the record low levels of some pelagic fish species over the last decade. (Pages 21-22)

Any change in the location and operations of Delta water diversions must not further impair water quality in the Estuary. (Page 21)

This final quote clearly indicates EPA's position that a new Delta facility, which would change the location of some Delta diversions, cannot be used to justify further degradation in estuarine habitat. EPA could not more clearly tell the BDCP and the State Board that current flow and salinity standards for the estuary must be strengthened.

A little history reveals why EPA's document is so important.

Two decades ago, EPA wrote similar recommendations to the State Board regarding the inadequacy of the Bay-Delta standards then in place. Twice, the State Board issued new draft standards. However, under pressure from export water users, Governors Deukmejian and Wilson ordered these draft standards to be withdrawn. In the face of this political interference and paralysis, EPA informed the State Board that the federal agency would step in and set federal salinity standards for the Bay-Delta unless new state standards were established by December 15, 1994. It's no coincidence that the Bay-Delta Accord, an agreement to set new Bay-Delta standards, was finalized on December 15, 1994. This allowed the State Board to retain control of the standard setting process.

Unfortunately, over the next decade and a half, water exports increased, despite the standards in the Accord, contributing to the collapse of the Bay-Delta ecosystem and the California salmon fishery. Today, the State Board faces a situation similar to that in the early 1990s – clear evidence that stronger standards are needed and active oversight by EPA.

The second development regarding Bay-Delta issues last week was an announcement by the consulting team at the August 29 BDCP public meeting that “operational scenario 6” would be the basis for proposed pumping rules in BDCP's draft EIR/EIS, which is to be released this Fall. “Operational scenario 6” is a proposed set of rules to govern water export pumping in the Delta that was used in preparing the draft BDCP documents released in February. This scenario would allow further water exports in the Spring, leading to additional ecosystem harm – not ecosystem recovery. The agency discussion of Scenario 6 clearly states that it does not include stronger Spring outflow standards “pending the outcome of the effects analysis”.

In fact, the “Red Flag” memos prepared by state and federal fisheries agencies concluded that, under the preliminary BDCP proposal (which is nearly identical to Scenario 6 regarding spring outflow) “Delta outflows during February- June will more frequently be near the minima required by the SWRCB under D- 1641. This will represent a substantial negative project effect on longfin smelt”. (Red Flag memos, pages 12-13)

BDCP's announcement last week appeared to ignore EPA's newly released Action Plan – as well as the work of many other agencies and scientists. In short, BDCP, which is a joint effort of state and federal agencies, is proposing to further harm the Bay-Delta just as another federal agency (EPA) is calling for stronger standards and greater flows through the Delta and the Bay. This is not the path to a permissible BDCP and a healthy Bay-Delta.

BDCP can succeed in adopting a plan that will achieve the co-equal goals of ecosystem restoration and improved water supply reliability. However, to do so, it must incorporate the best available science about the needs of the ecosystem and its fisheries. In particular, this means incorporating the conclusions in the EPA's Action Plan, the State Board flow criteria, the State of the Bay report and many other independent reviews that have reached similar conclusions.

The path to success for BDCP is to focus its efforts on reducing the physical vulnerability and increasing the predictability of Delta exports – not on further increasing water diversions from an ecosystem that is already flow starved.

[http://switchboard.nrdc.org/blogs/bnelson/bdcp\\_ignores\\_new\\_epa\\_bay-delta.html](http://switchboard.nrdc.org/blogs/bnelson/bdcp_ignores_new_epa_bay-delta.html)

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Office of Public Affairs  
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San Francisco, CA 94105  
Ph: (415) 972-3350  
Mobile: (415) 760-5419  
[yogi.david@epa.gov](mailto:yogi.david@epa.gov)